

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Laura Kelley on 26 October 2009.

The application has been amended as follows:

Cancel claims 10, 18 and 20.

Claim 2:

Lines 5 and 20 – “generally horizontal portion” should read –horizontal portion–.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: Allowance of claims 2-9, 12-17 and 19 are indicated because none of the prior art of record not teaches or fairly suggests a flame effect electric fire apparatus that can be mounted on a substantially plane wall with the structural elements/orientation recited in at least independent claim 2, particularly the limitation of a fan heater in which the fan heater expels air vertically downward through an air expulsion aperture in a horizontal portion

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of the bottom underside external panel of the housing 2. The other claims are allowable at least because they depend from allowable independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to STEPHEN J. RALIS whose telephone number is (571)272-6227. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen J Ralis/
Primary Examiner, Art Unit 3742

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SJR
October 26, 2009